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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 NATHANIEL OPONDO HUBBERT,
15 Defendant.

CASE NO. 2:20-CR-00123-JAM-2

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: October 4, 2022
TIME: 9:00 a.m.
COURT: Hon. John A. Mendez

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17 **STIPULATION**

- 18 1. By previous order, this matter was set for a status conference on October 4, 2022.
19 2. By this stipulation, Counsel for Mr. Hubbert now moves to continue the status conference
20 until October 18, 2022, at 9:00 a.m., and to exclude time between October 4, 2022, and October 18,
21 2022, under Local Code T4.
22 3. Additionally, Counsel for Mr. Hubbert has indicated that Mr. Hubbert intends to plead
23 guilty on October 18, 2022. Accordingly, the parties respectfully request that the matter be calendared
24 for a potential change of plea.
25 4. The parties agree and stipulate, and request that the Court find the following:
26 a) The government has represented that the discovery associated with this case
27 includes over eight gigabytes of evidence in electronic form, including police reports, pictures,
28 multiple hours of video footage, laboratory reports, search warrants, a forensic cellular phone

1 report, and criminal history documents. All of this discovery has been either produced directly
2 to counsel and/or made available for inspection and copying.

3 b) Counsel for Mr. Hubbert desires additional time to gather additional criminal
4 history documents, consult with her client, conduct further review of her client's criminal
5 history, conduct interviews and prepare evidence in mitigation, discuss potential resolutions with
6 her client, and otherwise prepare for trial. Counsel for Mr. Hubbert has also expressed that the
7 COVID-19 pandemic has hindered her preparation in this case.

8 c) Counsel for Mr. Hubbert believes that failure to grant the above-requested
9 continuance would deny her the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 d) The government does not object to the continuance.

12 e) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of October 4, 2022 to October 18,
17 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
18 T4] because it results from a continuance granted by the Court at defendant's request on the basis
19 of the Court's finding that the ends of justice served by taking such action outweigh the best
20 interest of the public and the defendant in a speedy trial.

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 30, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

Dated: September 30, 2022

/s/ KRESTA DALY
KRESTA DALY
Counsel for Defendant
NATHANIEL OPONDO HUBBERT

ORDER

IT IS SO FOUND AND ORDERED this 30th day of September, 2022.

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE